

State of Hawaii  
Department of Education  
Office of Curriculum, Instruction and Student Support  
Special Education Section

**Request for Proposals**

**RFP No. F05-046**

**Provide Surrogate Parent Services for the  
Department of Education**

October 12, 2004

Note: If this RFP was downloaded from the State Procurement Office RFP Website each applicant must provide contact information to the RFP contact person for this RFP to be notified of any changes. For your convenience, an [RFP Interest form](#) may be downloaded to your computer, completed and e-mailed or mailed to the RFP contact person. The State shall not be responsible for any missing addenda, attachments or other information regarding the RFP if a proposal is submitted from an incomplete RFP.

October 12, 2004

REQUEST FOR PROPOSALS  
SURROGATE PARENT SERVICES FOR THE DEPARTMENT OF  
EDUCATION  
RFP No. F05-046

The Department of Education (DOE), Office of Curriculum, Instruction and Student Support (OCISS), Special Education Section (SES), is requesting proposals from qualified Providers to furnish surrogate parent services to students certified as eligible by the DOE. The contract term will be from July 1, 2005 through June 30, 2006.

Copies of this RFP may be obtained at the Department of Education, Procurement and Contracts Branch, Waipahu Civic Center, 94-275 Mokuola St, Room 200A, Waipahu, Hawaii 96797 or from the SPO website: <http://www2.hawaii.gov/spoh/rfps.htm>

OCISS will conduct an orientation meeting on October 25, 2004, from 2:00 p.m. to 4:00 p.m. Hawaii Standard Time (HST), at 94-275 Mokuola St, Room 200A, Waipahu, Hawaii 96797. All prospective applicants are encouraged to attend the orientation.

The deadline for submission of written questions is November 12, 2004 at 2:00 p.m. H.S.T. All written questions will receive a written response from the State on or before December 15, 2004.

Proposals shall be mailed and postmarked by the United State Postal Service on or before January 14, 2005, or hand delivered no later than 2:00 p.m., H.S.T., January 14, 2005, at the drop-off sites designated on the Proposal Mail-in and Delivery Information Sheet. Proposals postmarked or hand delivered after the submittal deadline shall be considered late and rejected. There are no exceptions to this requirement.

Inquiries regarding this RFP should be directed to the RFP Contact Person, Ms. Taren Taguchi at 637 18th Avenue, Honolulu, Hawaii 96816, or by phone to (808) 733-4832.

## **PROPOSAL MAIL-IN AND DELIVERY INFORMATION SHEET**

<b>ONE ORIGINAL AND TWO COPIES OF THE PROPOSAL ARE REQUIRED</b>
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**ALL MAIL-INS MUST BE POSTMARKED BY UNITED STATES POSTAL SERVICE  
(USPS) NO LATER THAN  
January 14, 2005**

**All Mail-ins**

Department of Education  
Procurement and Contracts Branch  
Waipahu Civic Center  
94-275 Mokuola Street, Room 200A  
Waipahu, Hawaii 96797

**DOE RFP COORDINATOR**

Taren Taguchi  
For further info or inquiries  
Phone:

**ALL HAND DELIVERIES WILL BE ACCEPTED AT THE FOLLOWING SITES UNTIL  
2:00 p.m. H.S.T., January 14, 2005.**

**Drop-off Sites**

For applicants located on Oahu:

Department of Education  
Procurement and Contracts Branch  
Waipahu Civic Center  
94-275 Mokuola Street, Room 200A  
Waipahu, Hawaii 96797

**BE ADVISED:**     **All mail-ins postmarked by USPS after January 14, 2005, shall not be accepted for review and shall be returned.**

**Hand deliveries shall NOT be accepted after 2:00 p.m., January 14, 2005.**

**Deliveries by private mail services such as Fedex shall be considered hand deliveries and shall NOT be accepted if received after 2:00 p.m., January 14, 2005.**

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# **Section 1**

## **Administrative Overview**

# Section 1

## Administrative Overview

**Applicants are encouraged to read each section of the RFP thoroughly. While sections such as the administrative overview may appear similar among RFPs, state purchasing agencies may add additional information as applicable. It is the responsibility of the applicant to understand the requirements of *each* RFP.**

### I. Authority

This RFP is issued under the provisions of the Hawaii Revised Statutes (HRS), Chapter 103F and its administrative rules. All prospective applicants are charged with presumptive knowledge of all requirements of the cited authorities. Submission of a valid executed proposal by any prospective applicant shall constitute admission of such knowledge on the part of such prospective applicant.

### II. RFP Organization

This RFP is organized into five sections:

***Section 1, Administrative Overview***--Provides applicants with an overview of the procurement process.

***Section 2, Service Specifications***--Provides applicants with a general description of the tasks to be performed, delineates applicant responsibilities, and defines deliverables (as applicable).

***Section 3, Proposal Application Instructions***--Describes the required format and content for the proposal application.

***Section 4, Proposal Evaluation***--Describes how proposals will be evaluated by the state purchasing agency.

***Section 5, Attachments*** --Provides applicants with information and forms necessary to complete the application.

### III. Contracting Office

The Contracting Office is responsible for overseeing the contract(s) resulting from this RFP, including system operations, fiscal agent operations, and monitoring and assessing provider performance. The Contracting Office is:

**State of Hawaii**

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Department of: Education

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Office: Office of Curriculum, Instruction and Student Support

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Section: Special Education Section (SPED)

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637 18<sup>th</sup> Avenue, Honolulu, Hawaii 96816

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Contract

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Administrator: Ms. Taren Taguchi

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Phone (808) 735-4832 Fax: (808) 735-6228

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#### IV. Procurement Timetable

**Note that the procurement timetable represents the State's best estimated schedule. Contract start dates may be subject to the issuance of a notice to proceed.**

Activity	Scheduled Date
Public notice announcing RFP	10/12/2004
Distribution of RFP	10/12/2004
RFP orientation session	10/25/2004
Closing date for submission of written questions for written responses	11/12/2004
State purchasing agency's response to applicants' written questions	12/15/2004
Discussions with applicant prior to proposal submittal deadline (optional)	n/a
Proposal submittal deadline	1/14/2005
Discussions with applicant after proposal submittal deadline (optional)	n/a
Final revised proposals (optional)	n/a
Proposal evaluation period	1/14/2005 – 2/28/2005
Provider selection	3/15/2005
Notice of statement of findings and decision	3/31/2005
Contract start date	7/1/2005

#### V. Orientation

An orientation for applicants in reference to the request for proposals will be held as follows:

**Date:** October 25, 2004      **Time:** 2:00 p.m. – 4:00 p.m.  
**Location:** 94-275 Mokuola street, Room 200A, Waipahu, Hawaii, 96797

Applicants are encouraged to submit written questions prior to the orientation. Impromptu questions will be permitted at the orientation and spontaneous answers provided at the state purchasing agency's discretion. However, answers provided at the orientation are only intended as general direction and may not represent the state purchasing agency's position. Formal official responses will be provided in writing. To ensure a written response, any oral questions should be submitted in writing following the close of the orientation, but no later than the submittal deadline for written questions indicated in the next paragraph (VI. Submission of Questions).

#### VI. Submission of Questions

Applicants may submit questions to the RFP Contact Person(s) identified in Section 2 of this RFP. All written questions will receive a written response from the state purchasing agency.



Department responses to applicant written questions will be posted as an addendum to this RFP on the SPO website:  
<http://www2.hawaii.gov/spoh/rfps.htm>

Deadline for submission of written questions:

**Date:** November 12, 2004 **Time:** 2:00 p.m. HST

State agency responses to applicant written questions will be provided by:

**Date:** December 15, 2004

## VII. Submission of Proposals

**A. Forms/Formats** - Forms, with the exception of program specific requirements, may be found on the State Procurement Office website at: [www.spo.hawaii.gov](http://www.spo.hawaii.gov), click *Procurement of Health and Human Services* and *For Private Providers*. Refer to the Proposal Application Checklist for the location of program specific forms.

1. **Proposal Application Identification (Form SPO-H-200)** - Provides identification of the proposal.
2. **Proposal Application Checklist** – Provides applicants with information on where to obtain the required forms; information on program specific requirements; which forms are required and the order in which all components should be assembled and submitted to the state purchasing agency.
3. **Table of Contents** - A sample table of contents for proposals is located in Section 5, Attachments. This is a sample and meant as a guide. The table of contents may vary depending on the RFP.
4. **Proposal Application (Form SPO-H-200A)** - Applicant shall submit comprehensive narratives that addresses all of the issues contained in the Proposal Application Instructions, including a cost proposal/budget if required. (Refer to Section 3 of this RFP.)
5. **Registration Form (SPO-H-100A)** – If applicant is not registered with the State Procurement Office (business status), this form must be submitted with the application. If applicant is unsure as to their registration status, they may check the State Procurement Office website at: <http://www.spo.hawaii.gov>, click *Procurement of Health and Human Services*, and *For Private Providers* and *Provider Lists...The List of Registered Private Providers for Use with the Competitive Method of Procurement* or call the State Procurement Office at (808) 587-4706.

6. **Tax Clearance** – A certified copy of a current valid tax clearance certificate issued by the State of Hawaii, Department of Taxation (DOTAX) and the Internal Revenue Service (IRS) will be required either at the time of proposal submittal or upon notice of award at the discretion of the purchasing agency.

Refer to Section 4, item III.A.1, Administrative Requirements, and the Proposal Application Checklist to see if the tax clearance is required at time of proposal submittal. The tax clearance application may be obtained from the Department of Taxation website at [www.hawaii.gov/tax/tax.html](http://www.hawaii.gov/tax/tax.html).

- B. **Program Specific Requirements** - Additional program specific requirements are included in Sections 2 and/or 3, Service Specifications and the Proposal Application Instructions, as applicable. If Federal and/or State certifications are required, they are listed on the Proposal Application Checklist.
- C. **Multiple or Alternate Proposals** - Multiple or alternate proposals shall not be accepted unless specifically provided for in Section 2 of this RFP. In the event alternate proposals are not accepted and an applicant submits alternate proposals, but clearly indicates a primary proposal, it shall be considered for award as though it were the only proposal submitted by the applicant.
- D. **Proposal Submittal** - Proposals must be postmarked by USPS or hand delivered by the date and time designated on the Proposal Mail-In and Delivery Information Sheet attached to this RFP. Any proposal postmarked or received after the designated date and time shall be rejected. Note that postmarks must be by United States Postal Service or they will be considered hand-delivered and shall be rejected if late. The number of copies required is located on the Proposal Mail-In and Delivery Information Sheet.
- E. **Wages and Labor Law Compliance** - Before a provider enters into a service contract in excess of \$25,000, the provider shall certify that it complies with section 103-55, HRS, Wages, hours, and working conditions of employees of contractors performing services. Section 103-55, HRS may be obtained from the Hawaii State Legislature website at <http://www.capitol.hawaii.gov/>. Or go directly to: [http://www.capitol.hawaii.gov/hrscurrent/Vol02\\_Ch0046-0115/HRS0103/HRS\\_0103-0055.htm](http://www.capitol.hawaii.gov/hrscurrent/Vol02_Ch0046-0115/HRS0103/HRS_0103-0055.htm)

***Certification of Wages and Labor Law compliance will be required at time of contract award.***

- F. Confidential Information** – If an applicant believes any portion of a proposal contains information that should be withheld as confidential, the applicant shall request in writing nondisclosure of designated proprietary data to be confidential and provide justification to support confidentiality. Such data shall accompany the proposal, be clearly marked, and shall be readily separable from the proposal to facilitate eventual public inspection of the non-confidential sections of the proposal.

**Note that price is not considered confidential and will not be withheld.**

## **VIII. Discussions with Applicants**

- A. Prior to Submittal Deadline.** Discussions may be conducted with potential applicants to promote understanding of the purchasing agency's requirements.
- B. After Proposal Submittal Deadline -** Discussions may be conducted with applicants whose proposals are determined to be reasonably susceptible of being selected for award, but proposals may be accepted without discussions, in accordance section 3-143-403, HAR.

## **IX. Opening of Proposals**

Upon receipt of proposal by a state purchasing agency at a designated location, proposals, modifications to proposals, and withdrawals of proposals shall be date-stamped, and when possible, time-stamped. All documents so received shall be held in a secure place by the state purchasing agency and not examined for evaluation purposes until the submittal deadline.

Procurement files shall be open to public inspection after a contract has been awarded and executed by all parties.

## **X. Additional Materials and Documentation**

Upon request from the state purchasing agency, each applicant shall submit any additional materials and documentation reasonably required by the state purchasing agency in its evaluation of the proposals.

## **XI. RFP Amendments**

The State reserves the right to amend this RFP at any time prior to the closing date for the final revised proposals.

## **XII. Final Revised Proposals**

The applicant's final revised proposal, *as applicable* to this RFP, must be postmarked or hand delivered by the date and time specified by the state purchasing agency. Any final revised proposal post-marked or received after the designated date and time shall be rejected. If a final revised proposal is not

submitted, the previous submittal shall be construed as their best and final offer/proposal. *The applicant shall submit **only** the section(s) of the proposal that are amended, along with the Proposal Application Identification Form (SPO-H-200).* After final revised proposals are received, final evaluations will be conducted for an award.

### **XIII. Cancellation of Request for Proposal**

The request for proposal may be canceled and any or all proposals may be rejected in whole or in part, when it is determined to be in the best interests of the State.

### **XIV. Costs for Proposal Preparation**

Any costs incurred by applicants in preparing or submitting a proposal are the applicants' sole responsibility.

### **XV. Provider Participation in Planning**

Provider participation in a state purchasing agency's efforts to plan for or to purchase health and human services prior to the state purchasing agency's release of a request for proposals, including the sharing of information on community needs, best practices, and providers' resources, shall not disqualify providers from submitting proposals if conducted in accordance with sections 3-142-202, 3-142-203 and 3-143-618 of the Hawaii Administrative Rules for Chapter 103F, HRS.

### **XVI. Rejection of Proposals**

The State reserves the right to consider as acceptable only those proposals submitted in accordance with all requirements set forth in this RFP and which demonstrate an understanding of the problems involved and comply with the service specifications. Any proposal offering any other set of terms and conditions contradictory to those included in this RFP may be rejected without further notice.

A proposal may be automatically rejected for any one or more of the following reasons: (Relevant sections of the Hawaii Administrative Rules for Chapter 103F, HRS, are parenthesized)

- (1) Rejection for failure to cooperate or deal in good faith.  
(Section 3-141-201, HAR)
- (2) Rejection for inadequate accounting system. (Section 3-141-202, HAR)
- (3) Late proposals (Section 3-143-603, HAR)
- (4) Inadequate response to request for proposals (Section 3-143-609, HAR)
- (5) Proposal not responsive (Section 3-143-610 (1), HAR)
- (6) Applicant not responsible (Section 3-143-610 (2), HAR)

## **XVII. Notice of Award**

A statement of findings and decision shall be provided to all applicants by mail upon completion of the evaluation of competitive purchase of service proposals.

Any agreement arising out of this solicitation is subject to the approval of the Department of the Attorney General as to form, and to all further approvals, including the approval of the Governor, required by statute, regulation, rule, order or other directive.

No work is to be undertaken by the awardee prior to the contract commencement date. The State of Hawaii is not liable for any costs incurred prior to the official starting date.

## **XVIII. Protests**

Any applicant may file a protest against the awarding of the contract. The Notice of Protest form, SPO-H-801, is available on the SPO website (see the Proposal Application Checklist in Section 5 of this RFP. Only the following matters may be protested:

- (1) A state purchasing agency's failure to follow procedures established by Chapter 103F of the Hawaii Revised Statutes;
- (2) A state purchasing agency's failure to follow any rule established by Chapter 103F of the Hawaii Revised Statutes; and
- (3) A state purchasing agency's failure to follow any procedure, requirement, or evaluation criterion in a request for proposals issued by the state purchasing agency.

The Notice of Protest shall be mailed by USPS or hand delivered to the DOE Procurement and Contracts Branch and the procurement officer who is conducting the protested procurement (as indicated below) within five working days of the postmark of the Notice of Findings and Decision sent to the protestor. Delivery services other than USPS shall be considered hand deliveries and considered submitted on the date of actual receipt by the state purchasing agency.

<b>Head of State Purchasing Agency</b>		<b>Procurement Officer</b>	
Name:	Patricia Hamamoto	Name:	Debra Farmer
Title:	Superintendent	Title:	Educational Specialist
Mailing Address:	P.O. Box 2360 Honolulu, Hawaii 96804	Mailing Address:	637 18 <sup>th</sup> Avenue Honolulu, Hawaii 96816
Business Address:	1390 Miller Street Honolulu, Hawaii 96813	Business Address:	637 18 <sup>th</sup> Avenue Honolulu, Hawaii 96816
<b>Procurement and Contracts Branch</b>			
Mailing/Business Address:	94-275 Mokuola Street Waipahu, HI 96797		

**XIX. Availability of Funds**

The award of a contract and any allowed renewal or extension thereof, is subject to allotments made by the Director of Finance, State of Hawaii, pursuant to Chapter 37, HRS, and subject to the availability of State and/or Federal funds.

**XX. Monitoring and Evaluation**

The criteria by which the performance of the contract will be monitored and evaluated are:

- (1) Performance/Outcome Measures
- (2) Output Measures
- (3) Quality of Care/Quality of Services
- (4) Financial Management
- (5) Administrative Requirements

**XXI. General and Special Conditions of Contract**

The general conditions that will be imposed contractually are on the SPO website. (See Section 5, Proposal Application Checklist for the address). Special conditions may also be imposed contractually by the state purchasing agency, as deemed necessary.

**XXII. Cost Principles**

In order to promote uniform purchasing practices among state purchasing agencies procuring health and human services under Chapter 103F, HRS, state purchasing agencies will utilize standard cost principles outlined in Form SPO-H-201 which is available on the SPO website (see section 5, the Proposal Application Checklist). Nothing in this section shall be construed to create an exemption from any cost principle arising under federal law.

# **Section 2**

## **Service Specifications**

## Section 2

### Service Specifications

#### I. Introduction

##### A. Overview, purpose or need

The federal law that supports special education and related services for children and youth with disabilities is called the Individuals with Disabilities Education Act (IDEA). IDEA has its roots in Public Law 94-142, which was originally enacted in 1975 to establish grants to States for the education of children with disabilities. Under Part B of the law, all eligible school-aged children and youth with disabilities are entitled to receive a free appropriate public education (FAPE).

The Vocational Rehabilitation Act of 1973 (amended by the Rehabilitation Act of 1992) is a federal civil rights law which protects persons with disabilities, enforced by the Office of Civil Rights. Subpart D of Section 504 regulations requires that public schools provide qualified students with disabilities an education comparable to the education provided to students without disabilities. The student need not qualify for special education in order to be qualified under Section 504.

The purpose of the program is to ensure that the rights of a student are protected when:

1. No parents can be identified,
2. The department, after reasonable efforts, cannot discover the whereabouts of a parent,
3. Or the student is a ward of the State under the laws of the State.

The Department of Education (DOE) is federally mandated to provide surrogate parent services for those eligible students. This shall include a method for determining whether a student needs a surrogate parent, and for assigning a surrogate parent to the student.

##### B. Description of the goals of the service

The surrogate parent may represent the student in all matters relating to:

- The identification, evaluation, and educational placement of the student
- The provision of a FAPE to the student

##### C. Description of the target population to be served

The target population is special education and section 504 students in the Department of Education who requires surrogate parent services as defined in the IDEA Act, HAR Title 8, DOE Chapter 56, and section 504 of the Vocational Rehabilitation Act of 1973.

##### D. Geographic coverage of service

Services shall be made available in all school districts of the Department of Education, including public charter schools.



**E. Probable funding amounts, source, and period of availability**

Funds allocated for surrogate parent services are approximately \$540,000 annually, and no significant increases or decreases to this amount are anticipated at this time.

**II. General Requirements****A. Specific qualifications or requirements, including but not limited to licensure or accreditation**

The Contractor shall comply with the Chapter 103F, HRS Cost Principles for Purchases of Health and Human Services identified in SPO-H-201, which can be found in the POS manual.

**B. Secondary purchaser participation**

(Refer to §3-143-608, HAR)

After-the-fact secondary purchases will be allowed.

Planned secondary purchases

The secondary purchaser will execute a separate contract.

**C. Multiple or alternate proposals**

(Refer to §3-143-605, HAR)

☐ Allowed ☒ Not allowed

**D. Single or multiple contracts to be awarded**

(Refer to §3-143-206, HAR)

☒ Single ☐ Multiple ☐ Single & Multiple

**E. Single or multi-term contracts to be awarded**

(Refer to §3-149-302, HAR)

☐ Single term ( $\leq 2$  yrs) ☒ Multi-term ( $> 2$  yrs.)

Contract terms:

Initial Term of Contract	One (1) year
Length of each extension	One (1) year
Number of possible extensions	Three (3) extensions
Maximum length of contract	Four (4) years
Initial period	Shall commence on the contract start date
Conditions for extension	Extension must be in writing, and is contingent upon potential changes to HDOE's approach to service delivery, availability of funding beyond first year, and upon mutual agreement

## **F. RFP contact person**

The individual listed below is the sole point of contact from the date of release of this RFP until the selection of the successful provider or providers. Written questions should be submitted to the RFP contact person and received on or before the day and time specified in Section I, Item IV (Procurement Timetable) of this RFP.

Ms. Taren Taguchi, Educational Specialist II  
 Department of Education, State of Hawai'i  
 Special Education Section  
 637 18th Avenue  
 Honolulu, Hawaii 96816  
 Phone: (808) 733-4832 Fax: (808) 735-6228

## **III. Scope of Work**

The scope of work encompasses the following tasks and responsibilities:

### **A. Service Activities**

(Minimum and/or mandatory tasks and responsibilities)

The Contractor shall provide the following services:

- Provide representation for students requiring surrogate parent services in all matters relating to the identification, evaluation, and educational placement of the student, and the provision of a FAPE to the student
- Respond to requests for service within two (2) working days of request
- Review referrals of said children
- Attend meetings related to development and implementation of Individualized Education Programs (IEPs) for the children
- Interview and/or observe the children in the classrooms
- Monitor educational progress of cases
- Develop and maintain cooperative relationships with all providers of educational services to the children
- Prepare correspondence, reports and other materials as necessary for the provision of service
- Plan the recruitment and screening of applicants and the training of prospective Surrogate Parents
- Provide to the DOE the names and addresses of persons interested in serving as surrogate parents for eligible students
- Maintain assigned files, records or work areas
- Prepare various reports
- Conduct physical inventory annually or more often
- Duplicate copies of materials
- Compile monthly population reports and case load updates
- Maintain a running list of all referrals and students
- Obtain educational information pertaining to each student from the school or district office
- Create various forms to supplement surrogate parent services
- Maintain confidential records in an appropriate fashion
- Provide continuous and uninterrupted services in case of changes in personnel

## B. Management Requirements (Minimum and/or mandatory)

### 1. Personnel

The number of other staff members and types of staff expertise required to provide services indicated in the RFP will be left to the discretion of the Applicant, and subject to the funds available to the RFP.

- Vitae of qualified personnel will be attached to the Proposal.  
Personnel shall have the following qualifications:
- Satisfactory completion of a four-year course leading to a bachelor's degree from an accredited university with a minimum 12 semester hours in such courses as psychology, education, social work, or other related social service is desirable
- Personnel shall conduct themselves in a professional manner and have the suitability in personal qualities and temperament for this type of job
- Have a sense of responsibility, initiative, respect for clients and colleagues, and a desire to help people
- Must possess sound judgment and sympathetic insight in dealing with those they serve, patience in accommodating the behavior of others, and adaptability to various situations
- Possess a valid state of Hawaii motor vehicle operator's license and access to a motor vehicle
- One to one and one half years of progressively responsible work experience which involved performing a variety of standard clerical work such as typing correspondence, reports and other materials
- Demonstrated knowledge of English grammar, spelling, arithmetic, common office equipment, light bookkeeping, good telephone skills
- Possess or have access to a computer
- Have a general knowledge of the IDEA and DOE Chapter 53 and 56

#### *Criminal History Record Checks:*

At this time, the Department is actively seeking legislation that will amend current law to allow the DOE to perform local and national fingerprinting checks of all of its employees, subcontracted providers, and volunteers who work in close proximity to children. It is anticipated that legislation will be enacted and rules implemented by July 2005. Applicants awarded contracts under this RFP will be subject to any statutory or regulatory requirements promulgated for this purpose.

#### *Applicants should be prepared to conduct the following record checks:*

- The applicant shall require criminal history checks on all employees, subcontracted providers, and volunteers as provided under Section 302A-601.5, HRS and HAR 8-7.
- The DOE shall perform fingerprint and criminal history checks and charge the applicant a reasonable fee for all costs associated for conducting and processing criminal history checks of all applicant's employees, subcontracted providers, and volunteers, including, but not limited to administrative and program staff members who work in close proximity to children as a result of being awarded a contract under this RFP.
- Applicants shall require all employees, subcontracted providers, and volunteers to complete a copy of DOE Form 90. Fingerprinting checks required under this Section shall be completed before any

employee, subcontracted provider, and volunteer of the applicant is assigned to any work site.

The Contractor must provide the HDOE with documentation of tuberculosis clearance on all employees and/or subcontracted providers who work at the Agency.

## 2. **Administrative**

Contractor will maintain appropriate fiscal, personnel, and administrative records. Sufficient documentation on project activities and accomplishments will be maintained and shall be made available for inspection by HDOE upon request.

The Department reserves the right to monitor the Contractor's compliance with this stipulation and all other requirements for services under this agreement on an annual basis, at a minimum, through either an on-site evaluation or a documentation review.

Contractor shall have an adequate plan for providing continuous services in case of changes in personnel.

The DOE reserves the right to require the Contractor to remove any employee from project upon written request of the Contract Administrator.

*Applicants should be prepared to conduct the following record checks upon notification by the DOE:*

- The Contractor shall maintain a record of the mandatory criminal history checks performed on each of its employees, subcontracted providers, and volunteers in compliance with the above. A local criminal history check is required every three years.
- Additionally, the Contractor shall maintain and update a list of all new employees, subcontracted providers, and volunteers that document the status and completion dates of the mandatory background checks.
- During the contract period, the Contractor must provide the HDOE information within 30 days for officers and service personnel if there is any change in certification, licensure, tuberculosis clearance or criminal status.

## 3. **Quality assurance and evaluation specifications**

All Applicants will identify how they intend to comply with quality assurance plans approved by the HDOE. HDOE reserves the right to inspect any or all records without notice as specified below.

The Applicant shall have a quality assurance plan, which identifies the mission of their organization, what services will be provided, and the standards used to assess or evaluate the quality and timely delivery of services as well as continuous improvement. The quality assurance plan should also indicate corrective actions to be taken if any deficiencies are noted. This plan and the agency's adherence to it, is subject to inspection by HDOE.

Contractor shall participate in contract monitoring quarterly or as directed by HDOE. This contract monitoring is based on compliance with all the administrative and fiscal aspects of the contract. All documentation and all student records must be made available for audits scheduled by HDOE.

**4. Output and performance/outcome measurements**

The Applicant shall develop measures to determine the extent to which program objectives are met and activities are completed.

**5. Experience**

Ideally, applicant will have prior experience with provision of surrogate parent or child advocate services in an educational setting.

**6. Coordination of services**

Contractor may be required to coordinate services with other agencies and community organizations as related to the students IEP/MP at the request of the DOE.

**7. Reporting requirements for program and fiscal data**

**Tax clearance**

The provider must submit the original tax clearance certificate upon the execution of a contract, and with the final invoice.

**Certificate of Insurance**

The Contractor shall have liability insurance of at least \$1,000,000 per occurrence, and shall list the HDOE as additionally insured, and shall provide a certificate of insurance as evidence upon award of contract

**Invoices**

Original invoices plus two copies must be submitted within 14 calendar days after the end of the previous month to the address to be specified. All appeals and corrections for reporting/invoice rejections must be resolved within the next 60 calendar days and late claims will not be accepted. Any appeals and corrections for reporting/invoice rejections shall constitute the end of DOE's requirement to pay within 30 days upon receipt of the original invoice. DOE's requirement to pay within 30 days starts on the day the corrected invoice is re-submitted and accepted by HDOE.

**Student Records**

The Contractor shall maintain records on the participation of eligible students in the program. Monthly reports on accomplishments shall be submitted to the HDOE Special Education Administrative Section. Other reports and access to specific records may be required at the discretion of the DOE. The HDOE at its discretion may conduct an on-site review to determine compliance with the contract.

**8. Pricing structure or pricing methodology to be used**

Compensation shall be based on a negotiated cost per student based on a need to provide an estimated 1,000 students per month with surrogate parent services.

**9. Units of service and unit rate**

For purposes of this RFP, unit rate shall be per student.

**IV. Facilities**

Not applicable.

## **Section 3**

# **Proposal Application Instructions**

## Section 3

# Proposal Application Instructions

### General instructions for completing applications:

- *Proposal Applications shall be submitted to the state purchasing agency using the prescribed format outlined in this section.*
- *The numerical outline for the application, the titles/subtitles, and the applicant organization and RFP identification information on the top right hand corner of each page should be retained. The instructions for each section however may be omitted.*
- *Page numbering of the Proposal Application should be consecutive, beginning with page one and continuing through for each section. **See sample table of Contents***
- *Proposals may be submitted in a three ring binder (Optional).*
- *Tabbing of sections (Recommended).*
- *Applicants must also include a Table of Contents with the Proposal Application. A sample format is reflected in Section 5, Attachment B of this RFP.*
- *A written response is required for **each** item unless indicated otherwise. Failure to answer any of the items will impact upon an applicant's score.*
- *Applicants are **strongly** encouraged to review evaluation criteria in Section 4, Proposal Evaluation when completing the proposal.*
- *This form (SPO-H-200A) is available on the SPO website (for the website address see the Proposal Application Checklist in Section 5, Attachments). However, the form will not include items specific to each RFP. If using the website form, the applicant must include all items listed in this section.*

### The Proposal Application comprises the following sections:

- *Title Page*
- *Table of Contents*
- *Program Overview*
- *Experience and Capability*
- *Project Organization and Staffing*
- *Service Delivery*
- *Financial*
- *Other*

#### I. Program Overview

Applicant shall give a brief overview to orient evaluators as to the program/services being offered.

#### II. Experience and Capability

##### A. Necessary Skills

The applicant shall demonstrate that it has the necessary skills, abilities, and knowledge relating to the delivery of the proposed services.



Contractor shall have the necessary organization and facilities to be able to coordinate and provide surrogate services for the DOE, delivering these services in an expedient and assistive manner.

**B. Experience**

The Applicant shall provide a listing of verifiable experience with projects or contracts for the most recent five years that are pertinent to the proposed services.

Ideally, Applicant shall also include satisfaction surveys or testimonies of satisfactory work as applicable.

Applicant is encouraged to include points of contact, addresses, email addresses, and phone numbers. The State reserves the right to contact references to verify experience.

**C. Quality Assurance and Evaluation**

The applicant shall describe its own plans for quality assurance and evaluation for the proposed services, including methodology.

Applicant responses should seek to detail how work is evaluated and reviewed by supervisors and to what degree service providers are accountable for providing efficient and expedient services in accordance with the requirements set forth in this RFP.

Applicant should describe methods and approach to providing quality representation services to students and the DOE, and for resolving disputes and conflicts while still maintaining a satisfactory working relationship with all parties that the Applicant is required to work with under this agreement.

**D. Coordination of Services**

The applicant shall demonstrate the capability to coordinate services with other agencies and resources in the community.

The Agency should describe staff, procedures and processes in place to allow the Agency to coordinate services with DOE and/or other service providers as specified in Section 3 (III), (A) "Service Activities", to implement all components of the student's IEP.

Applicant shall demonstrate knowledge of the responsibilities and authority of each agency or interest involved in a student's IEP.

**E. Facilities**

Not applicable.

### III. Project Organization and Staffing

#### A. Staffing

##### 1. Proposed Staffing

The applicant shall describe the proposed staffing pattern, client/staff ratio and proposed caseload capacity appropriate for the viability of the services. (Refer to the personnel requirements in the Service Specifications, as applicable.)

Applicant shall describe the approach utilized to assign cases to staff in order to respond to requests in the most expedient and cooperative manner for the DOE.

Applicant shall identify the expected response time of service providers and method of response to requests for services.

Applicant shall provide a detailed time analysis report identifying all major tasks and duties performed by service providers while working on an average case in order to justify the client staff ratio proposed. Applicant shall also complete **Attachment D, Rate Proposal Worksheet** and indicate the maximum number of students that will be assigned to any one surrogate parent at during any given one month period.

##### 2. Staff Qualifications

The applicant shall provide the minimum qualifications (including experience) for staff assigned to the program. (Refer to the qualifications in the Service Specifications, as applicable)

Applicant should describe screening and hiring process to assure qualified service providers are employed.

Applicant may attach vitae of qualified service providers documenting educational or work credentials, knowledge, experience and history of providing surrogate parent, child advocacy services or similar services.

#### B. Project Organization

##### 1. Supervision and Training

The applicant shall describe its ability to supervise, train and provide administrative direction relative to the delivery of the proposed services.

The supervision ratios of supervisors to staff should be identified, and submission of the vitae of supervisors and/or administrators are encouraged.

Supervisors and staff should be easily accessible, and responsive. Applicant shall describe work hours of Supervisors and expected response time.

The Applicant shall address its ability to train its personnel with a description of the training program, how it will be enforced and implemented, and what it entails should be specific.

## **2. Organization Chart**

The applicant shall reflect the position of each staff and line of responsibility/supervision. (Include position title, name and full time equivalency) Both the “Organization-wide” and “Program” organization charts shall be attached to the Proposal Application.

## **IV. Service Delivery**

Applicant shall include a detailed discussion of the applicant’s approach to applicable service activities and management requirements from Section 2, Item III. – Scope of Work, including (if indicated) a work plan of all service activities and tasks to be completed, related work assignments/responsibilities and timelines/schedules.

Applicant shall demonstrate an understanding of the various rules and regulations regarding surrogate parent services, including IDEA, Vocational Rehabilitation Act, an appropriate FAPE and DOE policies and procedures.

Applicant shall provide a detailed explanation of the approach, organization and programs that the Applicant will employ in order to meet and fulfill the service requirements of this RFP. If specific services will not be offered as requested, the Applicant shall note such. Applicant should specifically describe its approach to ensuring surrogate parents employed possess the means (such as training, knowledge, and experience) to make logical, reasonable, practical decisions to determine the best interests of the student in educational matters, and how to support those needs.

Applicant should specifically address response time and process for determining distribution of case assignments, ongoing response time and approach to communicating with the school, district and state offices regarding progress of a student’s case, and documentation of services provided by the surrogate parent assigned to the case to be submitted to the DOE.

Applicants should describe the type of contact surrogate parents should have with each student assigned to the parents case load, frequency of visits, interviews, observations or other contacts, level of interaction and how surrogate parents will interact with the various personnel and organizations involved with the student’s case.

Applicant should describe the types of internal processes and systems including reports and record keeping required for each case, as well as the importance and requirements of case record confidentiality.

Applicant shall demonstrate an understanding that all records related to student’s cases shall be made available upon request by the DOE.

## V. Financial

### A. Pricing Structure

Applicant shall submit a cost proposal utilizing the pricing structure designated by the state purchasing agency. The cost proposal shall be attached to the Proposal Application. All budget forms, instructions and samples are located on the SPO website (see the Proposal Application Checklist in Section 5 for website address). The following budget form(s) shall be submitted with the Proposal Application:

As these contracts will be services “as needed,” the SPO budget forms have been deleted. Providers will have difficulty in constructing a budget as the actual amount of services requested by HDOE may vary. In lieu of providing budget forms, Applicant must provide a narrative with supporting monetary figures of how the unit cost is constructed, as well as completing **Attachment D, Rate Proposal Worksheet**. Such components, including but not limited to: compensation to providers; cost or reimbursement for travel; administrative expenses and what they comprise of; training and supervision of professionals, quality assurance; and any other factors that contribute to the final proposed rate for a unit of service should be discussed.

Applicants shall furnish a reasonable estimate of the maximum number of service units it can provide for which there is sufficient operating capacity during any one month period on **Attachment D, Rate Proposal Worksheet**. HDOE reserves the right to ask for additional information (i.e., information supporting or justifying service delivery) from each applicant. Additional information must be available for review during the proposal evaluation period

### B. Other Financial Related Materials

#### 1. Accounting System

In order to determine the adequacy of the applicant’s accounting system as described under the administrative rules, the following documents are requested as part of the Proposal Application (may be attached):

- Most recent financial audit of Applicant.
- A description of how Applicant’s accounting system is organized to handle the contract.
- A description of the Applicant’s billing procedure including, if applicable, the procedures in which subcontractors are paid.
- Name of individual responsible for the accounting/billing system and his/her qualifications and position description.
- Applicant’s most recent program annual report, if available.
- Description of the internal control structure used in the accounting system and,
- If accounting work is subcontracted, please describe.

## **VI. Other**

### **A. Litigation**

The applicant shall disclose any pending litigation to which they are a party, including the disclosure of any outstanding judgment. If applicable, please explain.

# **Section 4**

## **Proposal Evaluation**

# Section 4

## Proposal Evaluation

### I. Introduction

The evaluation of proposals received in response to the RFP will be conducted comprehensively, fairly and impartially. Structural, quantitative scoring techniques will be utilized to maximize the objectivity of the evaluation.

### II. Evaluation Process

The procurement officer or an evaluation committee of designated reviewers selected by the head of the state purchasing agency or procurement officer shall review and evaluate proposals. When an evaluation committee is utilized, the committee will be comprised of individuals with experience in, knowledge of, and program responsibility for program service and financing.

The evaluation will be conducted in three phases as follows:

- Phase 1 – Evaluation of Proposal Requirements
- Phase 2 – Evaluation of Proposal Application
- Phase 3 – Recommendation for Award

#### Evaluation Categories and Thresholds

<u>Evaluation Categories</u>	<u>Possible Points</u>
<i>Administrative Requirements</i>	
<i>Proposal Application</i>	<b>100 Points</b>
Program Overview	0 points
Experience and Capability	20 points
Project Organization and Staffing	15 points
Service Delivery	55 points
Financial	10 Points
<b>TOTAL POSSIBLE POINTS</b>	<b>100 Points</b>

### III. Evaluation Criteria

#### A. Phase 1 – Evaluation of Proposal Requirements

##### 1. Administrative Requirements

- Application Checklist
- Registration (if not pre-registered with the State Procurement Office)
- Federal Certifications
- Rate Proposal Worksheet

## 2. **Proposal Application Requirements**

- Proposal Application Identification Form (Form SPO-H-200)
- Table of Contents
- Program Overview
- Experience and Capability
- Project Organization and Staffing
- Service Delivery
- Financial (All required forms and documents)
- Program Specific Requirements (as applicable)

### B. **Phase 2 – Evaluation of Proposal Application** (100 Points)

1. ***Program Overview:*** No points are assigned to Program Overview. The intent is to give the applicant an opportunity orient evaluators as to the service(s) being offered.

2. ***Experience and Capability (20 Points)***

The State will evaluate the applicant's experience and capability relevant to the proposal contract, which shall include:

<b>A. Necessary Skills</b>	<u>7</u>
• Demonstrated skills, abilities, and knowledge relating to the delivery of the proposed services.	<u>5</u>
• Applicant demonstrates an established organizational structure and ability to expeditiously deliver surrogate parent services as required	<u>2</u>
<b>B. Experience</b>	<u>9</u>
• Applicant can produce verifiable experience with this specific or similar service, to demonstrate satisfactory delivery of services.	<u>9</u>
<b>C. Quality Assurance and Evaluation</b>	<u>2</u>
• Sufficiency of quality assurance and evaluation plans for the proposed services, including methodology. Applicant describes in detail accountability processes	<u>1</u>
• Applicant describes methods and approach to resolving disputes while still maintaining a satisfactory working relationship with various parties involved in a student's educational needs	<u>1</u>
<b>D. Coordination of Services</b>	<u>2</u>
• Demonstrated capability to coordinate services with other agencies and resources in the community.	<u>1</u>
• Applicant adequately demonstrates knowledge of the responsibilities and authority of each party involved in a student's educational needs	<u>1</u>
<b>E. Facilities</b>	<u>n/a</u>



### 3. ***Project Organization and Staffing (15 Points)***

The State will evaluate the applicant's overall staffing approach to the service that shall include:

<b>A. <i>Staffing</i></b>	<b>10</b>
• Proposed Staffing: That the proposed staffing pattern, client/staff ratio, and proposed caseload capacity is reasonable to insure viability of the services.	1
• Staff Qualifications: Minimum qualifications (including experience) for staff assigned to the program.	3
• Applicants approach and process for assigning new cases and responding to requests demonstrates responsiveness, conscientiousness and intent to expeditiously provide services	1
• Applicant has supplied vitae of qualified service providers documenting educational or work credentials, knowledge, experience and history of providing surrogate parent, child advocacy services or similar services	2
• Applicant has an adequate plan for providing continuous services in case of changes in personnel	1
• Applicant has provided a reasonable time analysis report to justify the staff/case ratio proposed	2
<b>B. <i>Project Organization</i></b>	<b>5</b>
• Supervision and Training: Demonstrated ability to supervise, train and provide administrative direction to staff relative to the delivery of the proposed services.	2
• Organization Chart: Approach and rationale for the structure, functions, and staffing of the proposed organization for the overall service activity and tasks.	1
• Applicant provides ongoing training and professional development and continuous improvement opportunities for service providers on pertinent and timely issues that affect services and educational matters	1
• Applicant demonstrates organizational structure and capable staff to be accessible and responsive to the DOE	1

### 4. ***Service Delivery (55 Points)***

*Evaluation criteria for this section will assess the applicant's approach to the service activities and management requirements outlined in the Proposal Application.*

• The evaluation criteria may also include an assessment of the logic of the work plan for the major service activities and tasks to be completed, including clarity in work assignments and responsibilities, and the realism of the timelines and schedules, as applicable.	2
• Applicant describes an understanding of the interaction that is required between the service provider and the various parties involved in student's case	2
• Applicant demonstrates an understanding of the IDEA and Vocational Rehabilitation Act, and requirements of an appropriate FAPE	18
• Applicant explains policies and procedures and the approach that service providers utilize when working with a student's case	15

• Applicant requires surrogate parents have adequate interaction and knowledge of specific student’s situation and educational needs	<u>3</u>
• Demonstrates a commitment to ensuring that the student’s educational needs are appropriate and are fulfilled	<u>3</u>
• Demonstrates a commitment to perform in a responsible and responsive manner to all reasonable requests of the DOE	<u>2</u>
• Applicant describes an adequate and appropriate record keeping and system for case documentation	<u>5</u>
• Applicant demonstrates an awareness of and ensures that records are kept confidential	<u>5</u>

5. ***Financial (10 Points)***

Degree to which the cost proposals/budgets demonstrates support of the scope of services and RFP requirements

• Personnel costs are reasonable and comparable to positions in the community.	<u>3</u>
• Non-personnel costs are reasonable and adequately justified.	<u>2</u>
• The budget fully supports the scope of service and requirements of the Request for Proposal.	<u>3</u>
• Adequacy of accounting system	<u>2</u>

C. **Phase 3 - Recommendation for Award**

Each notice of award shall contain a statement of findings and decision for the award or non-award of the contract to each applicant.

At time of award, Contractor is required to produce certificates and documentation as required.

# **Section 5**

## **Attachments**

- A. Proposal Application Checklist
- B. Sample Table of Contents
- C. Federal Certifications
- D. Rate Proposal Worksheet

## Proposal Application Checklist

Applicant: \_\_\_\_\_

RFP No.: DOE RFP F05-046 (SP)

The applicant's proposal must contain the following components in the order shown below. This checklist must be signed, dated and returned to the state purchasing agency as part of the Proposal Application. \*SPO-H forms are located on the web at <http://www.spo.hawaii.gov> Click *Procurement of Health and Human Services* and *For Private Providers*.\*

Item	Reference in RFP	Format/Instructions Provided	Required by Purchasing Agency	Completed by Applicant
<b>General:</b>				
Proposal Application Identification Form (SPO-H-200)	Section 1, RFP	SPO Website*	<b>X</b>	
Proposal Application Checklist	Section 1, RFP	Attachment A	<b>X</b>	
Table of Contents	Section 5, RFP	Section 5, RFP	<b>X</b>	
Proposal Application (SPO-H-200A)	Section 3, RFP	SPO Website*	<b>X</b>	
Registration Form (SPO-H-100A)	Section 1, RFP	SPO Website*	<b>(Required if not Registered)</b>	
Tax Clearance Certificate (Form A-6)	Section 1, RFP	Dept. of Taxation Website (Link on SPO website)*	<b>Required at time of contract award</b>	
Cost Proposal (Budget)				
SPO-H-205	Section 3, RFP	SPO Website*		
SPO-H-205A	Section 3, RFP	SPO Website* Special Instructions is applicable, Section 5		
SPO-H-205B	Section 3, RFP,	SPO Website* Special Instructions, Section 5		
SPO-H-206A	Section 3, RFP	SPO Website*		
SPO-H-206B	Section 3, RFP	SPO Website*		
SPO-H-206C	Section 3, RFP	SPO Website*		
SPO-H-206D	Section 3, RFP	SPO Website*		
SPO-H-206E	Section 3, RFP	SPO Website*		
SPO-H-206F	Section 3, RFP	SPO Website*		
SPO-H-206G	Section 3, RFP	SPO Website*		
SPO-H-206H	Section 3, RFP	SPO Website*		
SPO-H-206I	Section 3, RFP	SPO Website*		
SPO-H-206J	Section 3, RFP	SPO Website*		
<b>Certifications:</b>				
<b><i>Federal Certifications</i></b>		Section 5, RFP		
Debarment & Suspension		Section 5, RFP		
Drug Free Workplace		Section 5, RFP		
Lobbying		Section 5, RFP		
Program Fraud Civil Remedies Act		Section 5, RFP		
Environmental Tobacco Smoke		Section 5, RFP		
<b>Program Specific Requirements:</b>				
Rate Proposal Worksheet	Section 3, RFP	Attachment D	<b>X</b>	

\_\_\_\_\_  
Authorized Signature

\_\_\_\_\_  
Date

## Proposal Application Table of Contents

<b>I.</b>	<b>Program Overview.....</b>	<b>1</b>
<b>II.</b>	<b>Experience and Capability .....</b>	<b>1</b>
<b>A.</b>	Necessary Skills .....	2
<b>B.</b>	Experience.....	4
<b>C.</b>	Quality Assurance and Evaluation.....	5
<b>D.</b>	Coordination of Services.....	6
<b>E.</b>	Facilities.....	6
<b>III.</b>	<b>Project Organization and Staffing .....</b>	<b>7</b>
<b>A.</b>	Staffing.....	7
	1. Proposed Staffing.....	7
	2. Staff Qualifications .....	9
<b>B.</b>	Project Organization .....	10
	1. Supervision and Training.....	10
	2. Organization Chart (Program & Organization-wide) (See Attachments for Organization Charts)	
<b>IV.</b>	<b>Service Delivery.....</b>	<b>12</b>
<b>V.</b>	<b>Financial.....</b>	<b>20</b>
	See Attachments for Cost Proposal	
<b>VI.</b>	<b>Litigation.....</b>	<b>20</b>
<b>VII.</b>	<b>Attachments</b>	
<b>A.</b>	Cost Proposal	
	SPO-H-205 Proposal Budget	
	SPO-H-206A Budget Justification - Personnel: Salaries & Wages	
	SPO-H-206B Budget Justification - Personnel: Payroll Taxes and Assessments, and Fringe Benefits	
	SPO-H-206C Budget Justification - Travel: Interisland	
	SPO-H-206E Budget Justification - Contractual Services – Administrative	
<b>B.</b>	Other Financial Related Materials	
	Financial Audit for fiscal year ended June 30, 1994	
<b>C.</b>	Organization Chart	
	Program	
	Organization-wide	
<b>D.</b>	Performance and Output Measurement Tables	
	Table A	
	Table B	
	Table C	
<b>E.</b>	Program Specific Requirement	

- F.**     Organization Chart  
         Program  
         Organization-wide
- G.**     Performance and Output Measurement Tables  
         Table A  
         Table B  
         Table C
- H.**     Program Specific Requirements

## CERTIFICATIONS

### 1. CERTIFICATION REGARDING DEBARMENT AND SUSPENSION

The undersigned (authorized official signing for the applicant organization) certifies to the best of his or her knowledge and belief, that the applicant, defined as the primary participant in accordance with 45 CFR Part 76, and its principals:

- (a) are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any Federal Department or agency;
- (b) have not within a 3-year period preceding this proposal been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State, or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;
- (c) are not presently indicted or otherwise criminally or civilly charged by a governmental entity (Federal, State, or local) with commission of any of the offenses enumerated in paragraph (b) of this certification; and
- (d) have not within a 3-year period preceding this application/proposal had one or more public transactions (Federal, State, or local) terminated for cause or default.

Should the applicant not be able to provide this certification, an explanation as to why should be placed after the assurances page in the application package.

The applicant agrees by submitting this proposal that it will include, without modification, the clause titled "Certification Regarding Debarment, Suspension, Ineligibility, and Voluntary Exclusion--Lower Tier Covered Transactions" in all lower tier covered transactions (i.e., transactions with sub-grantees and/or contractors) and in all solicitations for lower tier covered transactions in accordance with 45 CFR Part 76.

### 2. CERTIFICATION REGARDING DRUG-FREE WORKPLACE REQUIREMENTS

The undersigned (authorized official signing for the applicant organization) certifies that the applicant will, or will continue to, provide a drug-free workplace in accordance with 45 CFR Part 76 by:

- (a) Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition;
- (b) Establishing an ongoing drug-free awareness program to inform employees about--
  - (1) The dangers of drug abuse in the workplace;
  - (2) The grantee's policy of maintaining a drug-free workplace;
  - (3) Any available drug counseling, rehabilitation, and employee assistance programs; and
  - (4) The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace;
- (c) Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by paragraph (a) above;
- (d) Notifying the employee in the statement required by paragraph (a), above, that, as a condition of employment under the grant, the employee will--
  - (1) Abide by the terms of the statement; and
  - (2) Notify the employer in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction;
- (e) Notifying the agency in writing within ten calendar days after receiving notice under paragraph (d)(2) from an employee or otherwise receiving actual notice of such conviction. Employers of convicted employees must provide notice, including position title, to every grant officer or other designee on whose grant activity the convicted employee was working, unless the Federal agency has designated a central

point for the receipt of such notices. Notice shall include the identification number(s) of each affected grant;

- (f) Taking one of the following actions, within 30 calendar days of receiving notice under paragraph (d) (2), with respect to any employee who is so convicted--
  - (1) Taking appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended; or
  - (2) Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency;
- (g) Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs (a), (b), (c), (d), (e), and (f).

For purposes of paragraph (e) regarding agency notification of criminal drug convictions, the DHHS has designated the following central point for receipt of such notices:

Office of Grants and Acquisition Management  
 Office of Grants Management  
 Office of the Assistant Secretary for Management and Budget  
 Department of Health and Human Services  
 200 Independence Avenue, S.W., Room 517-D  
 Washington, D.C. 20201

### 3. CERTIFICATION REGARDING LOBBYING

Title 31, United States Code, Section 1352, entitled "Limitation on use of appropriated funds to influence certain Federal contracting and financial transactions," generally prohibits recipients of Federal grants and cooperative agreements from using Federal (appropriated) funds for lobbying the Executive or Legislative Branches of the Federal Government in connection with a SPECIFIC grant or cooperative agreement. Section 1352 also requires that each person who requests or receives a Federal grant or cooperative agreement must disclose lobbying undertaken with non-Federal (non-appropriated) funds. These requirements apply to grants and cooperative agreements EXCEEDING \$100,000 in total costs (45 CFR Part 93).

The undersigned (authorized official signing for the applicant organization) certifies, to the best of his or her knowledge and belief, that:

- (1) No Federal appropriated funds have been paid or will be paid, by or on behalf of the under-

signed, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.

- (2) If any funds other than Federally appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure of Lobbying Activities," in accordance with its instructions. (If needed, Standard Form-LLL, "Disclosure of Lobbying Activities," its instructions, and continuation sheet are included at the end of this application form.)
- (3) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by Section 1352, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

### 4. CERTIFICATION REGARDING PROGRAM FRAUD CIVIL REMEDIES ACT (PFCRA)

The undersigned (authorized official signing for the applicant organization) certifies that the statements herein are true, complete, and accurate to the best of his or her knowledge, and that he or she is aware that any false, fictitious, or fraudulent statements or claims may subject him or her to criminal, civil, or administrative penalties. The undersigned agrees that the applicant organization will comply with the Public Health Service terms and conditions of award if a grant is awarded as a result of this application.



## 5. CERTIFICATION REGARDING ENVIRONMENTAL TOBACCO SMOKE

Public Law 103-227, also known as the Pro-Children Act of 1994 (Act), requires that smoking not be permitted in any portion of any indoor facility owned or leased or contracted for by an entity and used routinely or regularly for the provision of health, day care, early childhood development services, education or library services to children under the age of 18, if the services are funded by Federal programs either directly or through State or local governments, by Federal grant, contract, loan, or loan guarantee. The law also applies to children's services that are provided in indoor facilities that are constructed, operated, or maintained with such Federal funds. The law does not apply to children's services provided in private residence, portions of facilities used for inpatient drug or alcohol treatment, service providers whose sole source of applicable Federal funds is Medicare or Medicaid, or facilities where WIC coupons are redeemed.

Failure to comply with the provisions of the law may result in the imposition of a civil monetary penalty of up to \$1,000 for each violation and/or the imposition of an administrative compliance order on the responsible entity.

By signing the certification, the undersigned certifies that the applicant organization will comply with the requirements of the Act and will not allow smoking within any portion of any indoor facility used for the provision of services for children as defined by the Act.

The applicant organization agrees that it will require that the language of this certification be included in any subawards which contain provisions for children's services and that all subrecipients shall certify accordingly.

The Public Health Services strongly encourages all grant recipients to provide a smoke-free workplace and promote the non-use of tobacco products. This is consistent with the PHS mission to protect and advance the physical and mental health of the American people.

SIGNATURE OF AUTHORIZED CERTIFYING OFFICIAL	TITLE	
APPLICANT ORGANIZATION		DATE SUBMITTED

**RATE PROPOSAL WORKSHEET**

- ✓ Applicant shall complete worksheet and submit with Proposal.
- ✓ If item is not applicable, please indicate so in "Total Costs" column.
- ✓ To determine allowable expenses, refer to "Cost Principles on Purchases of Health and Human Services" document available on the SPO website:  
[http://www2.hawaii.gov/spoh/Forms\\_Instructions/forms\\_instructionsprov.htm](http://www2.hawaii.gov/spoh/Forms_Instructions/forms_instructionsprov.htm).

<b>Service/ Expense</b>	<b>\$AMOUNT PER STUDENT</b>
<b>Personnel costs (please itemize):</b>      	
<b>Administrative/Managerial Costs (please itemize):</b>    	
<b>Subcontracted Services (please itemize):</b>     	
<b>Operating Expenses:</b>   	
<b>Profit:</b>	
<b>Other (please specify):</b>      	
<b>PROPOSED RATE PER STUDENT</b> (This price represents the Applicant's proposed price per student for this RFP)	\$_____ per Student
<b>PROPOSED STUDENT/PARENT RATIO:</b> (This ratio represents the maximum number of students that will be assigned to each surrogate parent)	<b>#Students per Parent:</b>  _____
<b>ESTIMATED SERVICE CAPACITY:</b> (This number represents the maximum number of students that the Applicant can adequately provide services to in any given month. )	<b>#Students per Month:</b>  _____